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| 10/672,478 | 09/26/2003 | Motoki Imanishi | 082418-000100US | 8245 |

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| EXAMINER | |
|---|---|
| JOHNSON, GRANT D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2174 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/672,478 | IMANISHI, MOTOKI | |
| | Examiner | Art Unit | |
| | GRANT D. JOHNSON | 2174 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 July 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *2, 4-9, 12, and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4-9,12 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/9/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This communication is in response to Amendment filed 7/9/08 under 37 C.F.R. §1.114, claims 2, 12, and 14 have been amended, claims 1, 3, 10, 11, and 13 have been canceled and no claims have been added. Claims 2, 4-9, 12, and 14 are pending in the application.

### *Continued Examination Under 37 CFR 1.114*

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/9/2008 has been entered.

### *Response to Amendment*

3. Amendment to claim 2 in response to objection has been considered. The amendment to the claims obviates previously raised objection, as such this objection is hereby withdrawn.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 4, 5, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey et al. (US 6,784,901)(Harvey hereafter) in view of Komata (US 2001/0008850).

Regarding Claim 2, Harvey teaches a communication device (e.g. a chat system, as discussed in col. 5, line 17) comprising a decide input reception unit (e.g. a chat mode button, as shown in 1100 of Fig. 11), a sending unit (e.g. chat sender, as shown in 206 of fig. 2), a reception unit (e.g. chat log, as shown in 204 of fig. 2), a display image generation unit (e.g. chat local display creates and renders the 3D to 2D transition of the chat message, as discussed in col. 13, lines 59-60), and a display unit (e.g. a local chat area, as shown in 1107 of Fig. 11),

a letter string editing unit that receives an edit instruction for editing a letter string from a user (e.g. a chat text entry area, as shown in 1112 of Fig. 11) together with an operation strength of the user (e.g. various modes of communication, col. 8, lines 36-38), for inputting the edit instruction, and edits a letter string in accordance with the edit

instruction (e.g. chat text entry area is a translucent text edit box where the user types in his or her message, as discussed in col. 8, lines 49-50);

a decide input reception unit (e.g. a chat mode button, as shown in 1100 of Fig. 11) that receives a decide instruction from the user (e.g. a chat mode button allows the user to cycle through various modes of communication, as discussed in col.8, lines 36-38);

a sending unit (e.g. chat sender, as shown in 206 of fig. 2) sends a sender side message (e.g. a chat wad object, as shown in 502 of Fig. 5) specifying the edited letter string (e.g. a chat message object, as shown in 504 of Fig. 5) and strength information associated with the operation strength (e.g. a chat mode object, as shown in 616 of Fig. 6), in a case where the decide instruction is received, to another communication device which is communicably connected to said communication device via computer network (e.g. chat sender forwards chat message to all relevant Avatar managers via network and host server, as discussed in col. 13, lines 32-34);

a reception unit (e.g. chat log, as shown in 204 of fig. 2) that receives a receiver side message specifying a letter string to be displayed and strength information (e.g. if chat log determines that a new chat message has been sent to the user, as discussed in col. 13, lines 25-27), from another communication device communicably connected to said communication device via computer network (e.g. via network and host server, as discussed in col. 13, lines 34-35);

a font acquiring unit (e.g. point size drawing parameters are selectable by the sender of the chat message via the sender's GUI, as discussed in col. 16, lines 18-19)

that acquires font information designating a font having a size which is pre-associated with the strength information specified in the receiver side message (e.g. a predetermined point size that uniquely identifies a whispered chat message, as discussed in col. 16, lines 42-44) received from said another communication device (e.g. via network and host server, as discussed in col. 13, lines 34-35);

a display image generation unit (e.g. chat local display creates and renders the 3D to 2D transition of the chat message, as discussed in col. 13, lines 59-60) that generates a display image whenever said letter string editing unit receives an edit instruction or said reception unit receives a receiver side message, by depicting the letter string to be edited currently with the acquired font and depicting the letter string specified in the receiver side message (e.g. chat local display displays the chat message, as discussed in col. 13, lines 65-66), with the acquired font for the strength information specified in the receiver side message (e.g. the transition animation parameter can be selected by the chat local display as a function of the chat mode, as discussed in col. 25, lines 8-10);

a display unit (e.g. a local chat area, as shown in 1107 of Fig. 11) that displays the generated display image (e.g. chat local display displays the chat message at the appropriate location in local chat area, as discussed in col. 13, lines 65-66).

However, Harvey does not teach that the operation strength information that the font is pre-associated with is based on the strength with which the user presses the keys of the keyboard or the buttons of the controller, and that this strength is measured by the average or the weighted average of the key/button presses.

Komata, in the same area of applicant's endeavor, teaches a method of transmitting an operation strength of a message (e.g. the magnitude of the pressure-sensing values from a pressure-sensitive controller or the changes therein are transmitted to the other character as emotion or volition of the player, as discussed in paragraph [0034]) based on the average or weighted average of the strength with which the user presses the keys of the keyboard or the buttons of the controller (e.g. the median value of 128 among the pressure-sensing values of 0-255 when the pressure-sensing value are divided into 256 steps, as discussed in paragraph [0042]).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Harvey of a method of adjusting a font size to fit a predetermined operation strength with the teachings of Komata to base said operation strength on the strength with which the user presses the buttons of a controller. Harvey teaches that the font size is adjusted to the strength with which a user wishes to transmit a message (e.g. "shouting" or "whispering"), and this would be an effective way of transmitting Komata's teachings that the emotion of a user can be transmitted via the pressure-sensing value.

Regarding Claim 12, the method performed by the device of Claim 2, and Claim 14, the computer usable medium containing instructions to control the device of Claim 2, these claims are substantially the same as Claim 2, same rationale of rejection is applicable.

Regarding Claim 4, comprising same limitations as Claim 2, same rationale of rejection is applicable. Moreover, Harvey teaches that the device further comprises a background image acquiring unit (e.g. texture drawing parameters are selectable by the sender of the chat message via the sender's GUI, as discussed in col. 16, lines 18-19) that acquires background image information which is pre-associated with the strength information specified in the receiver side message (e.g. a predetermined texture that uniquely identifies a whispered chat message, as discussed in col. 16, lines 42-44); and wherein;

said display image generation unit displays the display image by depicting the letter string specified in the receiver side message in accordance with the acquired background image information, and by overlaying the letter string on the acquired background image information (step 909 in Fig. 9).

Regarding Claim 5, comprising same limitations as Claim 2, same rationale of rejection is applicable. Moreover, Harvey teaches that the device further comprises a display time acquiring unit (e.g. the chat local display causes textured messages to "fade" from the recipient's viewport, as discussed in col. 22, lines 23-24) acquires a display time which is pre-associated with the strength information specified in the receiver side message (e.g. a predetermined time limit, as discussed in col. 22, line 26); and wherein

said display unit finishes display of the generated display image, when the acquired display time passes after display of the display image is started (e.g. renders a textured message gradually more translucent, as discussed in col. 22, lines 18-19).

6. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey-Komata in view of Finkelstein et. al. (US 6,025,841)(Finkelstein hereafter).

Regarding Claim 6, comprising same limitations as Claim 2, same rationale of rejection is applicable. Moreover, Harvey teaches a display position candidate acquiring unit and a display position selection unit (e.g. the chat local display also determines a start point and end point for the 3D transition of the textured message in the 3D world, as discussed in col. 16, lines 64-66) wherein:

the sending unit sends the sender side message in which a user identifier assigned to the user is further specified (e.g. the author key, as shown in 508 of Fig. 5);

a user identifier is further specified in the receiver side message received by said reception unit (e.g. determine the author's key who created the chat message, as shown in 806 of Fig. 8);

said display position candidate acquiring unit acquires a plurality of display position candidates which are associated with the user identifier specified in the received receiver side message (e.g. determine a new start and end point as well as recalculate a new rendering path between them, as discussed in col. 19, lines 27-29) and;

said display unit displays the display image corresponding to the specified user identifier at the selected display position candidate (e.g. renders the textured message at that location, as discussed in col. 17, lines 25-26).

However, Harvey does not teach that said display position selection unit provisionally displays the display image corresponding to the user identifier specified in the receiver side message, at the respective acquired display position candidates, in order to calculate an overlap area which is occupied together by any already-displayed display image corresponding to a user identifier other than the specified user identifier and by the provisionally-displayed display image at the respective acquired display position candidates, and selects one display position candidate at which the overlap area becomes the smallest of all the overlap areas calculated for the respective acquired display position candidates.

Finkelstein, in the same field of applicant's endeavor, teaches that the display position selection unit provisionally displays the display image corresponding to the user identifier specified in the receiver side message (e.g. the target window, as discussed in col. 12, line 25), at the respective acquired display position candidates (e.g. anchor points, as discussed in col. 12, line 39), in order to calculate an overlap area which is occupied together by any already-displayed display image corresponding to a user identifier other than the specified user identifier (e.g. the avoidance region, as discussed in col. 12, line 27) and by the provisionally-displayed display image at the respective acquired display position candidates (e.g. the size of the overlap region is recorded temporarily, as discussed in col. 12, lines 36-37), and selects one display position candidate at which the overlap area becomes the smallest of all the overlap areas calculated for the respective acquired display position candidates (e.g. further steps are

taken to determine if placement of the target window in association with one of the other anchor points would provide a lesser overlap, as discussed in col. 12, lines 37-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Finkelstein of determining an optimal display location by minimizing overlap with other windows in combination with the display image generation unit taught by Harvey. One of ordinary skill in the art in the design of such communication devices would recognize that this would optimize the display placement of these windows in a communication application, as minimizing the overlap between display images would allow a user to view as many messages as possible at once without obscuring older display images.

Regarding Claim 9, comprising same limitations as Claim 6, same rationale of rejection is applicable. Moreover, Harvey teaches that the communication device further comprises a character image position acquiring unit (e.g. indicating to the recipient the location of the digital representation of the sender, as discussed in col. 23, lines 12-13), wherein:

said character image position unit acquires a character image and a character display position which are associated with the user identifier specified in the receiver side message (e.g. the Avatar representing the sender of that message, as discussed in col. 23, lines 38-39);

said display position candidate acquiring unit refers to each of a plurality of pairs of directions and distances, and acquires as a display position candidate, a position

which is apart from the acquired character display position in a direction in a pair, by a distance in the same pair; and said display unit further displays the acquired character image at the acquired character display position (e.g. name tags track an Avatar's motion in the 3-D world, as discussed in col. 8, lines 66-67).

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harvey-Komata in view of McKinnon et. al. (US 6,392,667)(McKinnon hereafter).

Regarding Claim 7, comprising same limitations as Claim 2, same rationale of rejection is applicable. Moreover, Harvey teaches a display position candidate acquiring unit and a display position selection unit (e.g. the chat local display also determines a start point and end point for the 3D transition of the textured message in the 3D world, as discussed in col. 16, lines 64-66) wherein:

the sending unit sends the sender side message in which a user identifier assigned to the user is further specified (e.g. the author key, as shown in 508 of Fig. 5);

a user identifier is further specified in the receiver side message received by said reception unit (e.g. determine the author's key who created the chat message, as shown in 806 of Fig. 8);

said display position candidate acquiring unit acquires a plurality of display position candidates which are associated with the user identifier specified in the received receiver side message (e.g. determine a new start and end point as well as recalculate a new rendering path between them, as discussed in col. 19, lines 27-29)

and which are positions in a virtual three-dimensional space (as discussed in col. 1, line 46) and;

said display unit displays the display image corresponding to the specified user identifier at the selected display position candidate in the virtual three-dimensional space (e.g. renders the textured message at that location, as discussed in col. 17, lines 25-26), and which is seen from the predetermined viewpoint (e.g. 3D viewport, as discussed in col. 1, line 55).

However, Harvey-Komata does not teach that said display position selection unit calculates a smallest value of an angle formed by a vector extending from a predetermined viewpoint to each of the plurality of acquired display position candidates in the virtual three-dimensional space, and by a vector extending from the predetermined viewpoint to a position in the virtual three-dimensional space of any already-displayed display image corresponding to a user identifier other than the user identifier specified in the receiver side message, and selects one display position candidate whose calculated smallest value is the largest of all the calculated smallest values.

McKinnon, in the same field of applicant's endeavor, teaches that said display position selection unit calculates a smallest value of an angle (e.g. if the angle formed between the center of the two objects, as discussed in col. 16, lines 32-33) formed by a vector extending from a predetermined viewpoint to each of the plurality of acquired display position candidates in the virtual three-dimensional space, and by a vector extending from the predetermined viewpoint to a position in the virtual three-

dimensional space of any already-displayed display image corresponding to a user identifier other than the user identifier specified in the receiver side message (e.g. a vector between the perspective viewpoint coordinate and the center coordinate of each of the two objects being compared, as discussed in col. 16, lines 24-26), and selects one display position candidate whose calculated smallest value is the largest of all the calculated smallest values (determining closeness between two objects based on a perspective viewpoint, e.g. as discussed in col. 16, lines 42-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of McKinnon of determining an optimal display location in a virtual 3D space by minimizing overlap with other windows, in combination with the display image generation unit taught by Harvey. One of ordinary skill in the art in the design of such communication devices would recognize that this would optimize the display placement of these windows in a communication application, as minimizing the overlap between display images would allow a user to view as many messages as possible at once without obscuring older display images.

Regarding Claim 8, comprising same limitations as Claim 7, same rationale of rejection is applicable. Moreover, Harvey teaches that in a case where a size when seen from the predetermined viewpoint, of the display image corresponding to the specified user identifier which is arranged at the selected display position candidate in the virtual three-dimensional space, is smaller than a predetermined smallest size (e.g. the chat local display ensures that textured messages will not overlap on the bottom of the recipient's

viewport, as discussed in col. 20, lines 60-61), the display unit expands the display image to have a size equal to or larger than the predetermined smallest size (e.g. the char local display vertically displaces the original textured message, as discussed in col. 20, lines 57-59).

***Response to Arguments***

8. Regarding Claims 2, 12, and 14 rejected as being unpatentable over Harvey in view of Komata, it is argued (pages 10-13 of remarks) that the applied references do not teach claim limitations of claims 2, 12, and 14, specifically *a font acquiring unit that acquires font information designating a font having a size pre-associated with the operation strength with which the user presses the keys or the buttons for inputting the edit instruction.*

In response to the above-mentioned argument, applicant's interpretation of the applied prior art has been fully considered. However, Komata discusses transmitting a communication, the communication comprising an input emotion based on the strength with which a user presses the buttons of a pressure-sensitive controller (e.g. the magnitude of the pressure-sensing values from a pressure-sensitive controller or the changes therein are transmitted to the other character as emotion or volition of the player, as discussed in paragraph [0034]). One of ordinary skill in the art would have recognized that the recognized strength of an input operation by a user to the pressure-sensitive controller could be used to transmit a message in one of the predetermined

font sizes taught by Harvey pre-associated with messages of different operation strength (e.g. a predetermined point size that uniquely identifies a whispered chat message, as discussed in col. 16, lines 42-44).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT D. JOHNSON whose telephone number is (571)270-3626. The examiner can normally be reached on 8:30-5, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174

G. Johnson
8/5/2008